

E-filed 8/25/05

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9 **Attorneys for Plaintiff**
10 **Garden City Boxing Club, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **Garden City Boxing Club, Inc.,**

CASE NO. C 05-1541 HRL

14 **Plaintiff,**

15 **vs.**

16 **Diane T. Nguyen, et al.**

17 **Defendant.**

18 **STIPULATION OF DISMISSAL OF**
19 **PLAINTIFF'S COMPLAINT**
20 **AGAINST DEFENDANT DIANE T.**
21 **NGUYEN, individually and d/b/a DA**
22 **THAO**

23 **IT IS HEREBY STIPULATED** by and between Plaintiff GARDEN CITY
24 BOXING CLUB, INC. and Defendant DIANE T. NGUYEN, individually and d/b/a
25 DA THAO, that the above-entitled action is hereby dismissed **without prejudice**
26 against DIANE T. NGUYEN, individually and d/b/a DA THAO subject to the Court's
27 jurisdiction to enforce the settlement agreement reached between the Parties.
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1 **IT IS FURTHER STIPULATED** that provided no Party referenced above has
2 filed a motion to reopen this action by September 1, 2005, this Court shall *not* have
3 jurisdiction to set aside the dismissal and the dismissal shall be deemed to be **with**
4 **prejudice**.

5 This dismissal is made pursuant to Federal Rules of Civil Procedure 41(a)(1).
6 Each Party referenced-above shall bear its own attorneys' fees and costs.
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10 Dated: July 14, 2005


LAW OFFICES OF THOMAS P. RILEY, P.C.

By Thomas P. Riley
Attorneys for Plaintiff
GARDEN CITY BOXING CLUB, INC.

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16 Dated:


DIANE T. NGUYEN

individually and d/b/a Da Thao
Defendant

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21 **IT IS SO ORDERED:**
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25 /s/electronic signature authorized

26 **The Honorable Howard R. Lloyd**--Jeremy Fogel
27 **United States District Court**
28 **Northern District of California**

8/25/05

Dated: 8-25-05

PROOF OF SERVICE (SERVICE BY OVERNIGHT MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is One California Plaza, 300 South Grand Avenue, Suite 2670, Los Angeles, California 90071. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On July 14, 2005, I served:

**STIPULATION OF DISMISSAL OF PLAINTIFF'S COMPLAINT
AGAINST DEFENDANT DIANE T. NGUYEN, individually and d/b/a DA
THAO**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Diane T. Nguyen (Defendant)
873 Mistflower Dr.
San Jose, CA 95132

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on July 14, 2005, at Los Angeles, California.

Dated: July 14, 2005


INESA MAMIDJANYAN